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Draft conclusions and recommendations of the first review of the Statement of Mutual Commitments between the Government of Guinea and the Peacebuilding Commission

At the conclusion of the review of the Statement of Mutual Commitments between the Government of Guinea and the Peacebuilding Commission and in consideration of the current risks and opportunities for peacebuilding, the Guinea configuration of the Peacebuilding Commission:

1. Notes that the principal Guinean actors and international partners are in agreement concerning the finalization of the transition, which must be reflected in the holding of free, transparent, politically and technically credible, inclusive elections that are acceptable to and accepted by all, and observes, in addition, that such elections are perceived by the Guineans as an opportunity for national reconciliation and for increased participation of women in political life;

2. Welcomes President Condé's openness to dialogue; takes note of the consensus points arrived at through inclusive political dialogue on important questions relating to the legislative elections; encourages the stakeholders to proceed insofar as possible with the dialogue concerning as yet unresolved issues; and expresses its concern, in that context, over the atmosphere of mistrust that reigns over the legislative election process and a certain tendency to manipulate ethnic identity for political purposes;

3. Notes the efforts to commence the consultative process aimed at setting up national reconciliation mechanisms and the Guinean population's expectations regarding a more open and expeditious process;

4. Welcomes the appreciable initial progress made in reforming the security sector, in particular the biometric census and the retiring of 3,928 military personnel who have reached retirement age, and takes note of the wish of the Government and its partners to build on the dynamics and confidence created by these initial steps to proceed with reforms more structural in nature;

5. Takes note of the concerns of the Guinean authorities regarding new security threats, in particular the conflicts and threats faced by the countries of the Sahel and

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West Africa, such as trans-border crime, small arms proliferation, drug trafficking and threats by terrorist organizations, and hears their appeal for a subregional approach; also takes note of the fact that it is impossible for some international partners to commit themselves side by side with the Guinean authorities in those fields so long as the departments that deal with such threats are run by any of the persons mentioned in the report on the international investigation into the events of 28 September 2009 as being presumed responsible and subsequently indicted;

6. Notes the initiatives of the Government in the area of employment of youth and women, in particular the fund established by the Government for the promotion of women entrepreneurs and the fund for the promotion of youth employment, and takes note of the Government's desire to possess high-level expertise to develop a medium- and long-term vision of employment for youth and women;

7. Notes the important reforms are in progress, especially in the macroeconomic sphere, and that the population expects to see more concrete dividends from democracy and the reforms. The Guinean authorities hope to reach the completion point of the Heavily Indebted Poor Countries (HIPC) initiative by the second half of 2012 in order to be able to invest in social sectors resources currently earmarked for debt service;

8. Notes that technical and financial partners have warned that any sociopolitical trouble that might arise if the elections do not meet the criteria set forth in paragraph 48 of this report might compromise the speedy attainment of the HIPC initiative completion point;

9. Takes note of the high expectations existing with respect to the development of the mining sector and the concern expressed by many in relation to the risks of conflict over mining concessions, which may be connected with access to employment, relations with the communities around the concessions or land rights, and, in this context, welcomes the support of international partners (the European Union, France, the World Bank and the United Nations Development Programme (UNDP)) to balanced local development and sustainable land management through substantial support to decentralization;

10. Welcomes the support of international and regional partners in the three fields of peacebuilding and takes note of their intention to strengthen cooperation with Guinea following the legislative elections;

11. The Guinean Government and the Peacebuilding Commission undertake to continue their cooperation in favour of peacebuilding, bearing in mind the following points, which supplement their mutual commitments adopted on 23 September 2011, whose continued relevance they confirm:

A. Promotion of reconciliation and national unity

It is recommended that the Government:

12. Ensure that legislative elections are held quickly and see to it that they are free, transparent, credible from both the political and technical standpoints, peaceful and acceptable to and accepted by all; urge the Independent National Electoral Commission to finalize a timetable that meets the said credibility criteria and improves communication with the political parties and international partners, so as

to avoid mistrust and the danger of misunderstanding, and provide sustained, coordinated support to the electoral process; and invite the international and regional partners and civil society organizations to deploy electoral observers at an early stage in order to support and strengthen the credibility of the electoral process;

13. Strengthen the Provisional National Reconciliation Commission and accelerate the national consultation process with a view to the establishment of a national reconciliation mechanism that draws upon the recent experience of other countries. The Commission should use a methodology that makes it possible to take stock of the wishes of the population regarding the mechanisms of traditional justice to be adopted and takes into account the national context and the specific features of reconciliation in Guinea, which is twofold: reconciliation between the citizens and the State and reconciliation between the civilian population and the security and defence forces;

14. Continue the dialogue with the victims of the large-scale violence committed by the State or the security forces with a view to achieving restorative justice that will enable them to move forward on the path of reconciliation, and incorporate support to victims of State violence into the national reconciliation process;

15. Continue cooperation with international partners, such as that provided for in the Human Rights Council resolution on the strengthening of technical cooperation and consultative services in Guinea (A/HRC/19/L.40), and in particular facilitate the establishment of an independent national human rights commission once the National Assembly is elected and has been able to pass an organic law, as provided in the Constitution;

16. Continue to facilitate the work of the panel of judges charged with examining the events of 28 September 2009, by making available to it the necessary means of ensuring the effective protection of victims, witnesses, Panel staff, the security of evidence and data and the necessary mobility for travel to victims and for computer- and office equipment availability, all of which should be done in accordance with the recommendations of the team of experts and the Special Representative of the Secretary-General on Sexual Violence in Conflict; and in this context, continue cooperation with the International Criminal Court;

17. In keeping with the desire of the Government to go all the way in the fight against impunity, place on administrative leave, throughout the entire duration of the judicial proceedings, those presumed responsible for the violence committed in the period around 28 September 2009 who are mentioned in the Report of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea (S/2009/693) and still occupy Guinean Government posts;

18. Step up efforts and strengthen traditional methods aimed at community-level reconciliation and peaceful settlement of potential conflicts, including conflicts over land relating to mining and other natural-resource concessions, labour-union conflicts (between employers and employees), conflicts between communities relating to the search for employment and competition between local populations and immigrant workers;

It is recommended that the Peacebuilding Commission:

19. Work more intensively with the Guinean Government and other stakeholders towards the organization of politically and technically credible legislative elections;

20. Ensure increased, coordinated assistance by the international partners in the organization of the legislative elections, including in the area of election security;

21. Support a lesson-learning exercise on the electoral process to identify the principal lessons learned and put in place more solid bases for future elections, and ensure the application of the recommendations and lessons learned, recorded in evaluation reports on electoral processes with a view to the assessment of future elections;

22. Design a programme for building the capacities of parliamentary groups and structures in the National Assembly as well as of political parties;

23. Mobilize high-quality international expertise to support the Provisional National Reconciliation Commission in order to help Guineans develop a national reconciliation programme that takes into account the specifics of the process in Guinea; in this connection, the Peacebuilding Commission will help to make available the related best practices;

24. Support the setting up of an independent national human rights commission once the National Assembly is elected and has been able to adopt the measures called for by the Constitution;

25. Continue and increase support to the panel of judges charged with examining the events of 28 September 2009 with a view to the full implementation of the joint communiqué between the Government and the Special Representative of the Secretary-General on Sexual Violence in Conflict;

B. Reform of the defence and security sector

It is recommended that the Government:

26. Continue the reform of the security sector as a Government priority and begin work on the structural aspects of the reform on the basis of the dynamics and success of recent operations such as the biometric census and the retiring of 3,928 military personnel; move ahead with the reform of the security sector (including the police, gendarmerie, customs and forest guards), placing appropriate means at their disposal; and in particular, elaborate a strategy of response to the threats identified in the defence policy document of November 2011, quantifying and describing that response;

27. Bolster the establishment of mechanisms and instruments of civilian control of the security sector, continue to involve civilians in the development of the Government's projects for the reform of that sector and those financed by the Peacebuilding Fund and other partners and continue efforts aimed at improving relations between civilians and the military with a view to realizing the aim of a republican army conscious of its duties and subject to the civilian authority;

28. Ensure good coordination of sectoral committees and interventions by technical and financial partners and enhance the capacities of technical committees,

in particular those of the police, customs and justice and those relating to the environment, providing them with appropriate means;

29. Continue efforts towards greater transparency in the financial management of the defence and security sector;

30. Examine the possibility of reintegrating some defence and security force personnel, in particular retired members of the army who wish to continue to work, into other employment areas, including the private security sector;

31. Work with international partners to confront new security threats, as for example conflicts in and threats to the countries of the Sahelo-Saharan strip, trans-border organized crime such as the proliferation of small arms and light weapons, drug traffic, human trafficking, illicit financial flows and the menace posed by international terrorism; and use a subregional approach through joint responses coordinated at the level of the countries of the subregion, with recourse to existing mechanisms such as the Economic Community of West African States (ECOWAS), the Mano River Union and the West African Coasts Initiative (WACI);

32. Review of the allocation of resources to the justice sector, bearing in mind the considerable challenges in the area of the fight against impunity and corruption, the restoration of the rule of law and the promotion of human rights; and ensure effective coordination and division of labour among the international partners supporting the justice sector;

It is recommended that the Peacebuilding Commission:

33. Continue and strengthen a coordinated approach to support for efforts to reform the security sector that indicates to the Government the international partners' determination to remain committed for the long term;

34. Strengthen and coordinate support for the Special Force for a Safe Electoral Process (FOSSEPEL), in view of the coming legislative and local elections;

35. Work with the Government to derive lessons from operations having a rapid impact, such as the biometric census and retirement; follow up the subsequent phases, in particular human resources management in the armed forces and the ongoing operation of the military personnel retirement system; and prepare the next phases to extend that pension system to all security forces and ultimately public office as a whole;

36. Strengthen and coordinate support to the justice sector;

37. Bring together regional and national actors to develop regional approaches to security-sector reform questions such as drug trafficking and transnational organized crime;

C. Policy on employment of youth and women

It is recommended that the Government:

38. Continue efforts aimed at harmonizing the Government's approach to questions of policy relating to youth, education and training and employment of youth and women by reducing the fragmentation of the ministerial departments in

charge of such policies and introducing a mechanism to ensure that they exhibit greater consistency;

39. Continue efforts towards greater political, economic and social empowerment of women, especially through improved access of rural women to land; modernize family law so as to assure women equal rights, including in the areas of inheritance and land ownership; and continue the effort to combat both the sociocultural burdens that limit women's participation in political life and the discrimination and violence of which they are the targets;

40. Encourage political parties to implement a 30 per cent quota reserved for women on electoral rosters, to be included in the Electoral Code;

41. Develop a vision of medium- and long-term employment that takes into account the direct and indirect opportunities offered by the mining sector; and engage the private sector, in particular mining companies, with regard to local labour opportunities and the associated challenges, notably by creating training programmes to arm young Guineans with the requisite skills and qualifications to meet the needs of the labour market, while also taking into account the challenges and opportunities offered by subregional economic integration;

42. Develop also a medium- and long-term employment vision for the agricultural sector, aimed primarily at enhancing Guinea's food security and contributing to the food security of the subregion;

It is recommended that the Peacebuilding Commission:

43. Make high-level expertise available to the Guinean Government for developing a vision and a national strategy for the employment of youth and women that takes into account both the opportunities and the risks inherent in the development of the mining and agricultural sectors;

44. Encourage and support the setting up of mechanisms of coordination and mutual consultation between stakeholders and a public-private partnership, in relation especially to the development of the mining sector; and identify peacebuilding actions that might benefit not only communities (respect for the environment, respect for community values, land rights, social services, development of the local economy), but also the youth and women (direct and indirect employment, respect for workers' rights) and mining companies (reduction of tension with communities, existence of conflict-resolution mechanisms, guarantee of greater safety of plants and facilities).

Next stages

45. The two parties agree to conduct the next review of the Statement of Mutual Commitments in the final quarter of 2012.